

Exhibit B

Form of Class Notice

1
2 **PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(h) YOU ARE**
3 **NOTIFIED AS FOLLOWS:**

4
5 **UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**

7 Jane Doe #1, et al., } Case No. 15-cv-250-TUC-DCB
8 Plaintiffs, }
9 v. }
10 Alejandro Mayorkas, Secretary of }
11 Homeland Security, et al., }
12 Defendants. }
13
14

**NOTICE OF PROPOSED
SETTLEMENT OF
ATTORNEY FEES, EXPENSES
AND TAXABLE COSTS, IN
CLASS ACTION**

Date: February _____, 2022

Hon. David C. Bury

15
16 *Doe v. Mayorkas* is a lawsuit about conditions in Tucson Sector Border Patrol
17 stations. On January 11, 2016, the court in this lawsuit (“the Court”) certified as class of
18 people defined as: all individuals who are now or in future will be detained within a U.S.
19 Customs and Border Protection (“CBP”) facility within the Border Patrol’s Tucson Sector.
20 After a trial, on February 27, 2020, the Court found in favor of the class. On April 17, 2020,
21 the Court issued an order called a “permanent injunction” in which it requires Tucson
22 Sector Border Patrol to take certain actions with regard to the conditions in which it
23 confines class members.

24 The permanent injunction prohibits Tucson Sector Border Patrol from detaining
25 class members in Tucson Sector CBP facilities longer than 48 hours, *if* the class member’s
26 processing is complete, *unless* CBP meets the class member’s basic human needs,
27 according to detention-industry standards. This means that if a class member’s processing
28 is complete *and* they are held in a Tucson Sector detention facility for longer than 48 hours,
CBP *must* provide the class member a bed and blanket for sleeping, showers, adequate

1 food, potable water, and a medical assessment by a medical professional. The plaintiffs
2 representing class members in this case (“Plaintiffs”) did not seek, and the Court did not
3 award, any monetary damages in this lawsuit.

4 Recently, the attorneys for the U.S. government and the attorneys representing the
5 Plaintiffs entered into an agreement to settle attorney fees, expenses and taxable costs
6 incurred by the five organizations whose attorneys represented the Plaintiffs and class
7 members in this lawsuit (“Settlement”). They are: Morrison & Foerster; National
8 Immigration Law Center; American Immigration Council; American Civil Liberties Union
9 of Arizona; and Lawyers Committee for Civil Rights of the San Francisco Bay Area. Under
10 the settlement, CBP will pay a sum of \$3,832,052.00, in attorneys' fees, expenses, and costs
11 divided among the five organizations. The full Settlement and a copy of this notice are
12 available at: <https://www.acluaz.org/en/cases/doe-v-wolf/>.

13 Within sixty days of the Court’s approval of the Settlement, CBP shall pay
14 \$3,832,052.00 to Plaintiffs’ attorneys for their attorneys’ fees, costs, and litigation
15 expenses, in connection with this lawsuit.

16 This Settlement does not change the permanent injunction order described above.
17 The payment under this Settlement does not come from any money that would be available
18 for purposes other than compensating the attorneys who represented Plaintiffs in this case.

19 In exchange for and effective upon receipt of payment of the amount, Plaintiffs will
20 release the U.S. government defendants from any and all claims by Plaintiffs and Plaintiffs’
21 attorneys for or arising from attorneys’ fees for work that has been performed or payment
22 or reimbursement of expenses or costs that have been incurred in connection with this
23 lawsuit, including but not limited to fees and non-taxable expenses pursuant to the Equal
24 Access to Justice Act, 28 U.S.C. § 2412, and taxable costs pursuant to L.R. Civ. 54.1.

25 Before the settlement can become final, it must be approved by the Court. The U.S.
26 District Court for the District of Arizona will review the proposed settlement and any
27 objections from class members.

28 If you would like more information about the proposed settlement, please contact

1 Plaintiffs' attorneys, care of:

2 John S. Douglass
3 Morrison & Foerster LLP
4 425 Market St., Floor 32
5 Palo Alto, CA 94105-2482
6 *Counsel for Plaintiffs*

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8 Any class member may object to the proposed settlement of attorneys' fees and
9 costs. If you are a class member and you wish to object to the settlement, then you must
10 send your objection in writing, by no later than [XXX, 2022 (date fourteen days after
11 Preliminary Approval Order)]. Any objection must include: (a) a written statement
12 identifying the class member's name, address, telephone number, and signature, and, if
13 represented by counsel, the name, address, and telephone number of counsel; (b) a written
14 statement explaining the class member's objection and the reasons for such objection; (c)
15 any documentation in support of such objection; and (d) whether you wish to present your
16 objection to the Court at a hearing. Your objection cannot be longer than 10 pages.

17 If the judge decides to hold a hearing about this Settlement, notice of the hearing
18 will be sent to each person that submitted an objection at the address stated in the objection.

19 Any objection must be filed with the Clerk of the United States District Court for
20 the District of Arizona - Tucson Division, Evo A. DeConcini U.S. Courthouse, 405 West
21 Congress Street, Suite 1500, Tucson, Arizona 85701, and also sent by first class mail to
22 the following addresses and postmarked no later than fourteen (14) days after the date of
23 this Notice:

24 Katelyn Masetta-Alvarez
25 Office of Immigration Litigation – District Court Section
26 P.O. Box 878, Ben Franklin Station
27 Washington, DC 20530
28 *Counsel for Defendants*

John S. Douglass
Morrison & Foerster LLP
425 Market St., Floor 32
Palo Alto, CA 94105-2482
Counsel for Plaintiffs

Dated: _____

Honorable David C. Bury
United States District Judge